REMARKS

Claims 1-28 and 35-51 are pending.

Claims 1-28 and 35-51 stand rejected.

Claims 29-34 have been canceled without prejudice or disclaimer of the subject matter recited therein.

Claims 1, 3, 5, 7, 8, 10, 12, 14, 15, 17, 19, 21, 22, 24, 26, 28, 39, 42, 44, 45, and 48-51 have been amended.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 4-5, 8, 11-12, 15, 18-19, 22, 25-26, 35-38, 39, 43-44, 46, and 47-51 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,901,430 issued to Smith (referred to herein as "*Smith*"). Applicant respectfully traverses the rejection.

Applicant respectfully submits that the present invention is neither taught nor suggested by *Smith* because, for example, prior to responding to a purchase request, the method of claim 1 includes "determining if an event has occurred prior to receiving said purchase request to cause modification of the first offered price, **wherein the event that caused modification of the first offered price is unrelated to any data received from said user subsequent to storing said product related information.**" Claim 1.

Smith relates to, "An online system of locating consumer product having specific configuration in an enterprise production pipeline and inventory is provided." *Smith*, Abstract. *Smith* teaches an online method that facilitates, "receiving a search request message having vehicle configuration data submitted by a user, formulating a search query with search criteria corresponding to the vehicle configuration data, and searching an inventory database for a vehicle matching the vehicle configuration data." *Smith*, col. 3, line 66 – col. 5, line 3. A search request reply message that includes a vehicle identifier and vehicle configuration data of each substantially matching vehicle is then sent to the user. *Smith*, col. 4, lines 7-10.

Smith also teaches that portal 318 (Fig. 3) allows a user to "indicate which configuration and options are desired." *Id.*, col. 7, lines 36-37. **However, in contrast to** "changing [a] <u>first offered price</u> of said product to a second offered price of said product in response to <u>said</u> event <u>that caused modification of the first offered price</u> [and] **the event that caused modification of the first offered price <u>is unrelated to any data received from said user subsequent to storing said product related information</u>**" as required by amended claim 1, *Smith* teaches that price updates occur as a response to selections by a user. More specifically, *Smith* teaches that once the user indicates the desired configuration and options, "The price of the vehicle may be dynamically updated and displayed to reflect the price of the vehicle with the selected vehicle configuration and options." *Id.*, col. 7, lines 37-40. <u>Thus, Applicant respectfully submits that the present invention of claim 1 as amended clearly distinguishes over the teachings and suggestions of *Smith* because the price of the product selected by the user in *Smith* is clearly related to data received from the user and is furthermore clearly related to data received from the user prior to storing information about the desired product.</u>

Smith also includes a description of shopping cart technology that displays a product description and price to a customer, and the customer places the desired items in an "electronic shopping cart." *Smith*, col. 2, lines 8-12. *Smith* also describes allowing "a consumer to customize computer systems by allowing the consumer to select various options, e.g., memory, hard drive, monitor, CD/DVD drives, video card, sound card, etc." *Id.*, col. 2. lines 22-25. "An updated price is then obtained based on the selected options. *Id.*, lines 25-26. "The configured system is placed in a shopping cart and an order submitted by selecting a "checkout" option." *Id.*, lines 26-28. In both of these examples, the determined price is clearly related to data received from the user, i.e. product selections.

Thus, Applicant respectfully submits that *Smith* neither teaches nor suggests:

> receiving information from said browser <u>indicating an agreement by a user of the browser of said first offered price for said product;</u>
> <u>storing product related information including said first offered price</u>, wherein said product is configured with multiple features, said stored product related information includes said features of said product and said stored product

related information is associated with an identification code corresponding to said user of the browser;

receiving a purchase request associated with said identification code, wherein the purchase request indicates an agreement to purchase said product for said first offered price;

prior to responding to said purchase request, determining if an event has occurred prior to receiving said purchase request to cause modification of the first offered price, **wherein the event that caused modification of the first offered price is unrelated to any data received from said user subsequent to storing said product related information**; and

changing said first offered price of said product to a second offered price of said product in response to said event that caused modification of the first offered price. Claim 1 as amended. (emphasis added).

For at least the same reasons as amended claim 1, Applicant respectfully submits that *Smith* neither teaches nor suggests claim 8 as amended, which recites in part:

computer code, encoded in said computer readable medium, for determining a price of a product by virtue of being configured to cause said processor to:

provide information concerning said product for display by a client computer coupled to the, said display information including a first offered price of said product;

receive information from said client computer indicating an agreement by a user of the client computer of said first offered price for said product;

store product related information including said first offered price data, wherein said product is configured with multiple features, said stored product related information includes said features of said product, and said stored product related information is associated with an identification code corresponding to the user of the client computer;

receive a purchase request associated with said identification code,
wherein the purchase request indicates an agreement to purchase
said product for said first offered price;

determine, prior to responding to said purchase request, if an event has
occurred prior to receiving said purchase request to cause
modification of the first offered price, **wherein the event that
caused modification of the first offered price is unrelated to
any data received from said user subsequent to storage of said
product related information**; and

change said first offered price of said product to a second offered price of
said product in response to the event that caused modification of
the first offered price.

For at least the same reasons as amended claim 1, Applicant respectfully submits that
Smith neither teaches nor suggests claim 15 as amended, which recites in part:

code to provide display information to said browser application concerning said
product, said display information including a first offered price of said
product;

code to associate an identification code corresponding to a user of said client
system;

code to receive product-related information from said client computer system
indicating an acceptance of said first offered price;

code to store said product-related information, wherein said product is configured
with multiple features, said stored product related information includes
said features of said product, and said stored product related information is
associated with said identification code;

code to receive a purchase request associated with said identification code,
wherein the purchase request indicates an agreement to purchase said
product for said first offered price;

code to determine, prior to responding to said purchase request, if an event has
occurred prior to receiving said purchase request to cause modification of
the first offered price, **wherein the event that caused modification of the**

first offered price is unrelated to any data received from said user subsequent to storage of said product related information; and

code to change said first offered price of said product to a second offered price of said product in response to the event that caused modification of the first offered price.

For at least the same reasons as amended claim 1, Applicant respectfully submits that *Smith* neither teaches nor suggests claim 22 as amended, which recites in part:

means for providing information concerning said product for display in a browser window, said information including a first offered price of said product;

means for receiving information from said browser indicating an agreement by a user of the browser of said first offered price for said product;

means for storing product related information including said first offered price, wherein said product is configured with multiple features, said stored product related information includes said features of said product and said stored product related information is associated with an identification code corresponding to the user of the browser;

means for receiving a purchase request associated with said identification code, wherein the purchase request indicates an agreement to purchase said product for said first offered price;

means for determining, prior to responding to said purchase request, if an event has occurred prior to receiving said purchase request to cause modification of the first offered price, **wherein the event that caused modification of the first offered price is unrelated to any data received from said user subsequent to storage of said product related information**; and

means for changing said first offered price of said product to a second offered price of said product in response to the event that caused modification of the first offered price.

For at least the same reasons as amended claim 1, Applicant respectfully submits that *Smith* neither teaches nor suggests claim 39 as amended, which recites in part:

providing display information to said browser application concerning said product, said information including a first offered price of said product;

associating a subportion of said plurality of server addresses with an identification code corresponding to said client system;

receiving product-related information from said client computer system indicating an acceptance of said first offered price;

storing said received product-related information and said first offered price in said subportion of said plurality of server addresses, wherein the accepted first offered price defines an agreed price;

receiving a purchase request associated with said identification code, wherein the purchase request indicates an agreement to purchase said product for said first offered price;

prior to responding to said purchase request, determining if an event has occurred prior to receiving said purchase request to cause modification of the first offered price, **wherein the event that caused modification of the first offered price is unrelated to any data received from said user subsequent to storing said product related information**; and

changing said agreed price of said product to a second offered price of said product in response to the event that caused modification of the first offered price.

In light of the above remarks, Applicant respectfully requests withdrawal of the rejection of independent claims 1, 8, 15, 22, and 39. Applicant also respectfully requests withdrawal of the rejection of claims dependent upon independent claims 1, 8, 15, 22, and 39 for at least the same reasons.

Claim Rejections - 35 U.S.C. § 103

(A) Claims 2-3, 6, 9-10, 13, 16-17, 20, 23-24, 27, and 40-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith and further in view of U.S. Patent No. 6,507,822 issued to Walker et al. (referred to herein as "*Walker*"). Applicant respectfully traverses the rejection.

Walker teaches that a customer can submit "an offer to buy [a] product at an "offer price" that is one of the series of prices" for a product. *Walker*, Abstract. The "offer also has an offer period that elapses when the respective effective period of the product price elapses." *Id.* "The offer period thereby defines a period during which the offer is effective and after which the offer cannot be accepted." *Id.* *Walker* teaches that a merchant may "continue[e] to sell the product at a list price" after receiving the offer, "thereby establishing a source of alternate demand for the product while periodically "reviewing the at least one offer to determine whether to accept the at least one offer." *Walker*, claim 5.

In contrast to the teachings of *Smith* in view of *Walker*, amended claim 1 recites "prior to responding to said purchase request, <u>determining if an event has occurred **prior to receiving said purchase request** to cause modification of the first offered price</u>." *Walker* teaches that an event, such as the expiration of a price, occurs **after receiving the offer** rather than "prior to receiving said purchase request." Therefore, *Walker* teaches the opposite of the provision of Claim 1 as amended. Applicants respectfully submit that independent claims 8, 15, 22, and 39 include similar provisions.

Accordingly, since independent claims 1, 8, 15, 22, and 39 are neither taught nor suggested by *Smith* in view of *Walker*, claims dependent upon independent claims 1, 8, 15, 22, and 39 are allowable for at least the same reasons.

(B) Claims 7, 14, 21, 28 and 45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of U.S. Patent No. 6,125,352 issued to Franklin et al. (referred to herein as "*Franklin*"). Applicant respectfully traverses the rejection.

Franklin adds teachings to *Smith* regarding taxes. Referring to foregoing remarks regarding *Smith*, Applicant respectfully requests withdrawal of the rejection of claims 7, 14, 21, 28 and 45 for at least the same reasons as the independent claim upon which claims 7, 14, 21, 28 and 45 directly or indirectly depend.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues

remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

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Respectfully submitted,

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